

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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AUG 3 2009

Bob Vinikoor
Koor Communications, Inc.
P.O. Box 2295
New London, NH 03257

Re: WCNL, Newport, NH
Koor Communications, Inc.
Facility Identification Number: 35406
File Number: BP-20050811ACG

Dear Mr. Vinikoor:

This is in reference to the above-captioned minor change application filed by Koor Communications, Inc. ("Koor") to increase WCNL's nighttime operating power from 37 W to 1.5 kW. We note a request for waiver of Section 73.24(i) concerning community coverage at night is included in the application. We will deny the waiver request for the following reasons.

Koor requests a waiver of Section 73.24(i) because the proposed nighttime operation would fail to provide the required nighttime interference free ("NIF") service to 80% of the station's community of license.¹ In support of its waiver request, Koor states that the proposed nighttime operation would provide an estimate of 78% of the population of Newport and it also improves the present coverage from 678 persons to 3124 persons.

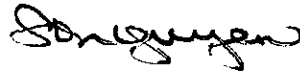
When an applicant seeks a waiver of a rule it must plead with particularity the facts and circumstance which warrant such action. *Rio Grande Family Radio Fellowship, Inc. V. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968). We have afforded the waiver request the "hard look" called for under the doctrine of *WAIT RADIO V. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), but find that the facts and circumstances as set forth in the application and waiver request are insufficient to establish that grant of the requested waiver of 47 CFR § 73.24 would be in the public interest. The applicant has cited no cases for which waiver has been approved for similar circumstance, nor has the applicant explained away all other reasonable alternatives (e.g. change the community of license).

Accordingly, the WCNL request for waiver of Section 73.24(i) of the Commission's

¹ The NIF contour of 70.6 mV/m for Koor's proposal is from *WINS*.

Rules IS DENIED. Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to respond. Failure to respond within this time period will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568. Please note that any amendment must be submitted in the same manner as the original application.

Sincerely,

A handwritten signature in black ink, appearing to read "Son Nguyen", written in a cursive style.

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: William Sitzman